

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the use of filth-contaminated milk in the preparation of the product; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 15, 1951. A plea of guilty having been entered, the court imposed a fine of \$500, plus costs, and suspended the fine for a period of 5 years, but ordered the costs paid immediately.

17619. Adulteration of cottage cheese. U. S. v. John H. Costello (Costello's Mendota Creamery). Plea of guilty. Fine of \$1,000, plus costs. (F. D. C. No. 30111. Sample Nos. 77574-K, 77575-K.)

INDICTMENT FILED: October 11, 1951, Northern District of Illinois, against John H. Costello, trading as Costello's Mendota Creamery, Mendota, Ill.

ALLEGED SHIPMENT: On or about October 10 and 11, 1950, from the State of Illinois into the State of Missouri.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the use of dirty milk in the preparation of the product and the presence therein of manure fragments.

DISPOSITION: November 26, 1951. A plea of guilty having been entered, the court imposed a fine of \$1,000, plus costs.

EGGS

17620. Adulteration of frozen eggs. U. S. v. 90 Cans * * *. (F. D. C. No. 30935. Sample No. 2971-L.)

LABEL FILED: April 18, 1951, District of Columbia.

PRODUCT: 90 30-pound cans of frozen eggs at Washington, D. C. This product was in interstate commerce in the District of Columbia, and was stored in a warehouse to the account of Capital Egg Products, Inc., Washington, D. C.

LABEL, IN PART: (Tag) "Capital Egg Products, Inc., Washington, D. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: May 14, 1951. Capital Egg Products, Inc., a Delaware corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation under the supervision of the Federal Security Agency. Segregation operations resulted in the release of 71 cans of eggs which were passable and in the denaturing of 19 cans which were decomposed. The unfit cans of eggs were delivered to a public institution, for use as animal feed.

FEEDS AND GRAINS

17621. Adulteration of fish meal. U. S. v. Carstens Packing Co., a corporation, and Thomas Carstens and Clarence E. Beckwith. Pleas of guilty. Corporation fined \$1,500; each individual fined \$300. (F. D. C. No. 30599. Sample Nos. 32543-K, 38082-K, 78882-K.)

INFORMATION FILED: July 25, 1951, Western District of Washington, against the Carstens Packing Co., a corporation, Tacoma, Wash., and Thomas Carstens, vice president, and Clarence E. Beckwith, plant manager.

ALLEGED VIOLATION: On or about June 8 and November 9, 1949, and January 26, 1950, the defendants gave to firms engaged in the business of shipping fish meal in interstate commerce, at Seattle and Tacoma, Wash., guaranties to the effect that fish meal sold by the defendants would not be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about June 8 and November 9, 1949, and January 26, 1950, the defendants sold and delivered to the holder of the guaranties, at Seattle and Tacoma, Wash., quantities of fish meal that were adulterated.

NATURE OF CHARGE: Count 1. Adulteration, Section 402 (b) (2), a product containing blood meal, soybean meal, cottonseed meal, and urea had been substituted for fish meal; and, Section 402 (b) (4), urea had been added, mixed, and packed with the product so as to make it appear better or of greater value than it was, namely, to make it appear to contain a larger percentage of protein than it actually contained.

Count 3. Adulteration, Section 402 (b) (2), a product containing soybean meal, cottonseed meal, limestone, and bonemeal had been substituted for fish meal.

Count 5. Adulteration, Section 402 (b) (2), a product containing cottonseed meal and blood meal had been substituted for fish meal.

Counts 2 and 4 were dismissed on motion of the Government.

DISPOSITION: August 15, 1951. Pleas of guilty having been entered, the court imposed a fine of \$1,500 against the corporation and a fine of \$300 against each individual defendant.

17622. Misbranding of dog and cat food. U. S. v. Cousins VirDel, Inc. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 30107. Sample Nos. 58810-K, 84481-K.)

INFORMATION FILED: April 5, 1951, Eastern District of Michigan, against Cousins VirDel, Inc., a corporation, South Lyon, Mich.

ALLEGED SHIPMENT: On or about August 21 and September 6, 1950, from the State of Michigan into the States of Illinois and Ohio.

LABEL, IN PART: "Dinner Bell Dog Rations * * * Packed for Michigan Dog Food Sales Company, Center Line, Michigan * * * Analysis Protein, minimum 12.5% * * * Contents 15½ oz." or "Ninety Percent Horse Meat Dog & Cat Food * * * for All Breeds of Dogs * * * Analysis Protein, Min. 17% * * * Cousins VirDel, Inc."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Protein, minimum 12.5%" and "Protein, Min. 17%" were false and misleading since the products contained less than the declared percentages of protein.

DISPOSITION: May 18, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

17623. Misbranding of Hess' condensed buttermilk for brood sows and laying hens. U. S. v. 10 Drums, etc. (F. D. C. No. 30817. Sample No. 19377-L.)

LABEL FILED: February 23, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about January 12, 1951, from Omaha, Nebr.

PRODUCT: 10 drums, each containing 100 pounds, of Hess' condensed buttermilk at Miles, Iowa, together with a number of circulars.

RESULTS OF INVESTIGATION: The circulars were entitled "Hess' Brand Condensed Buttermilk," and were delivered to the consignee by Donald Hess of